

IN THE IOWA DISTRICT COURT FOR CLAYTON COUNTY

SCOTT CLICKNER, Plaintiff,	LAW NO. _____
vs.	ORIGINAL NOTICE
PRAIRIE FARMS DAIRY, INC., Defendant.	

TO THE ABOVE-NAMED DEFENDANT: **PRAIRIE FARMS DAIRY, INC.**

YOU ARE HEREBY NOTIFIED that there is now on file in the Office of the Clerk of the above Court a Petition in the above-entitled action, a copy of which Petition is attached hereto. The Petitioner's attorney is Erin M. Tucker, whose address is Tucker Law Office, PLLC, 2400 86<sup>th</sup> Street, Suite 35, Des Moines, Iowa 50322.

This case was filed in Clayton County, an Electronic Document Management System (EDMS) jurisdiction. Parties are directed to Chapter 16 Rules pertaining to EDMS. In particular, parties are directed to Division VI, regarding protecting personnel information.

YOU ARE FURTHER NOTIFIED that unless, within twenty (20) days after service of this Original Notice upon you, you serve, and within a reasonable time thereafter you electronically file, a written motion or answer, in the Iowa District Court for Clayton County, in Elkader, Iowa, judgment by default will be rendered against you for the relief demanded in the Petition.

\_\_\_\_\_  
CLERK OF THE ABOVE COURT  
Clayton County Courthouse  
Elkader, IA 52043

NOTE: The Attorney who is expected to represent the Defendant should be promptly advised by Defendant of the service of this Notice.

**Iowa Judicial Branch**

Case No. **LACV011036**

County **Clayton**

Case Title **SCOTT CLICKNER VS PRAIRIE FARMS DAIRY INC**

You must file your Appearance and Answer on the Iowa Judicial Branch eFile System, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless the court has excused you from filing electronically (see Iowa Court Rule 16.302).

Register for the eFile System at [www.iowacourts.state.ia.us/Efile](http://www.iowacourts.state.ia.us/Efile) to file and view documents in your case and to receive notices from the court.

For general rules and information on electronic filing, refer to the Iowa Rules of Electronic Procedure in chapter 16 of the Iowa Court Rules at [www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf](http://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf).

Court filings are public documents and may contain personal information that should always be kept confidential. For the rules on protecting personal information, refer to Division VI of chapter 16 of the Iowa Court Rules and to the Iowa Judicial Branch website at [www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/](http://www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/).

*Scheduled Hearing:*

If you need assistance to participate in court due to a disability, call the disability access coordinator at **(319) 833-3332**. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). For more information, see [www.iowacourts.gov/for-the-public/ada/](http://www.iowacourts.gov/for-the-public/ada/). **Disability access coordinators cannot provide legal advice.**

Date Issued **08/05/2022 04:08:33 PM**



District Clerk of Court or/by Clerk's Designee of Clayton  
**Is/ Sommer Stevens**

County

## IN THE IOWA DISTRICT COURT FOR CLAYTON COUNTY

SCOTT CLICKNER,  Plaintiff,  vs.  PRAIRIE FARMS DAIRY, INC.,  Defendants.	Case No. _____   <b>PETITION and JURY DEMAND</b>
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COMES NOW Plaintiff Scott Clickner and for his cause of action against

Defendant states as follows:

### INTRODUCTION

1. This is an action challenging Defendants' illegal discrimination against Plaintiff under the Iowa Civil Rights Act.
2. Plaintiff Scott Clickner is a resident of Clayton County, Iowa.
3. Defendant Prairie Farms Dairy, Inc. is an Iowa corporation doing business in Clayton County, Iowa.
4. The acts of which Plaintiff complains occurred in Clayton County.

### PROCEDURAL REQUIREMENTS

5. On December 13, 2021, within 300 days of the acts of which he complains, Clickner filed charges of employment discrimination against Defendants with the Iowa Civil Rights Commission.
6. On May 12, 2022, less than 90 days prior to the filing of this Petition, the Iowa Civil Rights Commission issued a right to sue letter with respect to Plaintiff's charges.

**BACKGROUND FACTS**

7. On March 6, 2017, Defendant hired Clickner as a maintenance worker.
8. Clickner is presently 62 years old.
9. Clickner was disabled due to a work-related shoulder injury on November 12, 2019 resulting in permanent disability.
10. Following his injury, Defendant changed Clickner's job title and never returned him to his pre-injury position.
11. On several occasions, managers told Clickner that he was "too old" for the position and he should look for other employment.
12. On March 18, 2021, Defendant terminated Clickner's employment.
13. Following Clickner's termination, Defendant filled Clickner's position with a younger worker.

**COUNT I  
VIOLATION OF IOWA CIVIL RIGHTS  
ACT DISABILITY DISCRIMINATION**

14. Plaintiff repleads paragraphs 1 through 13 as if fully set forth.
15. Defendants discriminated against Plaintiff by terminating him in violation of the Iowa Civil Rights Act.
16. Plaintiff's disability was a motivating factor in Defendants' actions.
17. As a result of Defendants' illegal acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages, including but not limited to mental and emotional distress, anguish, humiliation, intimidation, embarrassment, physical sickness, lost enjoyment of life, lost wages and employment benefits.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount which

will fully and fairly compensate him for his injuries and damages, for injunctive and equitable relief, prejudgment and post judgment interest, attorney fees including litigation expenses, the costs of this action, and such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

**COUNT II  
VIOLATION OF IOWA CIVIL RIGHTS  
ACT AGE DISCRIMINATION**

18. Plaintiff repleads paragraphs 1 through 17 as if fully set forth.

19. Defendants discriminated against Plaintiff terminating him in violation of the Iowa Civil Rights Act.

20. Plaintiff's age was a motivating factor in Defendants' actions.

21. As a result of Defendants' illegal acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages, including but not limited to mental and emotional distress, anguish, humiliation, intimidation, embarrassment, physical sickness, lost enjoyment of life, lost wages and employment benefits.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount which will fully and fairly compensate him for his injuries and damages, for injunctive and equitable relief, prejudgment and post judgment interest, attorney fees including litigation expenses, the costs of this action, and such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

**JURY DEMAND**

COMES NOW the Plaintiff and requests a trial by jury.

Respectfully submitted,



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Erin M. Tucker AT0012582  
Tucker Law Office, PLLC  
2400 86<sup>th</sup> Street, Ste 35  
Des Moines, IA 50322-4306  
Phone: (515) 276-8282  
Fax: (515) 276-4001  
Email: erintucker@tuckerlaw.net

ATTORNEY FOR PLAINTIFF

**From:** amanda@tuckerlaw.net,  
**To:** gratiaspi@aol.com,  
**Subject:** Clickner v. Prairie Farms - Serving Original Notice and Petition  
**Date:** Wed, Aug 10, 2022 11:02 am  
**Attachments:** Gratias-Service of Pet & Orig Notice by email only-8-10-22.pdf (369K)

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Please find attached Erin Tucker's letter dated 8/10/22 and attachments in the above referenced matter.

**AMANDA FOLEY**

Paralegal

TUCKER LAW OFFICE, PLLC

2400 86<sup>th</sup> St., Suite 35

Des Moines, IA 50322

T: (515) 276-8282

F: (515) 276-4001

E: [amanda@tuckerlaw.net](mailto:amanda@tuckerlaw.net)

[www.tuckerlaw.net](http://www.tuckerlaw.net)

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